

**UNITED STATES OF AMERICA**  
**JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**

Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

Judge Anthony J. Scirica  
United States Court of Appeals  
Third Circuit

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

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August 15, 2006

Robert C. Heinemann, Clerk  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: MDL-1596 -- In re Zyprexa Products Liability Litigation

(See Attached Schedule A of Order)

Dear Mr. Heinemann:

I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi  
Clerk of the Panel

By 

Mecca S. Carter  
Deputy Clerk

Enclosures/Attachment

cc: Transferee Judge: Judge Jack B. Weinstein  
Transferor Judges: Judge Thelton E. Henderson; Judge John E. Ott;  
Judge Allen Sharp; Judge William D. Stiehl  
Transferor Clerks: Norbert G. Jaworski; Perry D. Mathis; Richard W. Wieking; Stephen R. Ludwig

**INVOLVED COUNSEL LIST**  
**DOCKET NO. 1596**  
**IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION**

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**A CERTIFIED TRUE COPY**

AUG 15 2006

ATTEST

FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONJUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

AUG 15 2006

FILED  
CLERK'S OFFICE.**DOCKET NO. 1596****JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION****BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.  
FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL,  
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL****TRANSFER ORDER**

Before the Panel are motions brought, respectively, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in 27 Northern District of Indiana actions, six Northern District of California actions, one Northern District of Alabama action and one Southern District of Illinois action as listed on Schedule A. These plaintiffs ask the Panel to vacate its orders conditionally transferring the actions to the Eastern District of New York for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. Defendant Eli Lilly and Co. opposes the motions to vacate and urges inclusion of the 35 actions in the MDL-1596 proceedings.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that these 35 actions involve common questions of fact with the actions in this litigation previously transferred to the Eastern District of New York, and that transfer of these actions to the Eastern District of New York for inclusion in the coordinated or consolidated pretrial proceedings in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel further finds that transfer of these actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the Eastern District of New York was a proper Section 1407 forum for actions involving claims of liability related to the prescription drug Zyprexa. *See In re Zyprexa Products Liability Litigation*, 314 F.Supp.2d 1380 (J.P.M.L. 2004). Any motions for remand to state court or for dismissal can be presented to and decided by the transferee court. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of New York and, with the consent of that court, assigned to the Honorable Jack B. Weinstein for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

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IT IS FURTHER ORDERED that the request for fees and expenses by certain plaintiffs is denied.

FOR THE PANEL:

A handwritten signature in black ink, appearing to read "Wm. Terrell Hodges", written over a horizontal line.

Wm. Terrell Hodges  
Chairman

**SCHEDULE A**

MDL-1596 -- In re Zyprexa Products Liability Litigation

Northern District of Alabama

*Vanessa Brownlee v. Eli Lilly & Co., et al.*, C.A. No. 7:06-634

Northern District of California

*Claudia Stempien, et al. v. Eli Lilly & Co., et al.*, C.A. No. 3:06-1811

*Timothy Johnson, et al. v. Eli Lilly & Co., et al.*, C.A. No. 3:06-2188

*Russel Woodrow, et al. v. Eli Lilly & Co.*, C.A. No. 3:06-2385

*John Grant, et al. v. Eli Lilly & Co., et al.*, C.A. No. 3:06-2386

*Andra Alexander, et al. v. Eli Lilly & Co., et al.*, C.A. No. 3:06-2489

*Saundra Burns, et al. v. Eli Lilly & Co., et al.*, C.A. No. 4:06-2384

Southern District of Illinois

*Linda Perry, et al. v. Eli Lilly & Co.*, C.A. No. 3:06-269

Northern District of Indiana

*John Partin, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-23

*Alan Jaggie, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-24

*Huey Hendrix, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-25

*Mary Slade, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-26

*Lynette Hanson, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-27

*Nancy Emanuel, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-28

*Raleigh Harris, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-29

*Leland Bond, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-30

*Faye Hood, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-31

*Melissa Bidy, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-32

*Patricia Trimble, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-33

*Ernest Moorner, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-34

*George Horn, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-35

*Carol Lee Moore, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-36

*Wayne Adams, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-37

*Mary Billings, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-38

*David Wilkison, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-39

*Richard Eickhoff, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-40

*Vaunita Duval, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-41

*Ada Adair, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-42

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Northern District of Indiana (continued)

*Yvonne Dupain, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-43  
*Allen Ames, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-44  
*James Harstad, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-45  
*John Cole, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-47  
*Marc Scaillet, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-72  
*James Anthony, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-73  
*James Alexander, et al. v. Eli Lilly & Co.*, C.A. No. 4:06-74